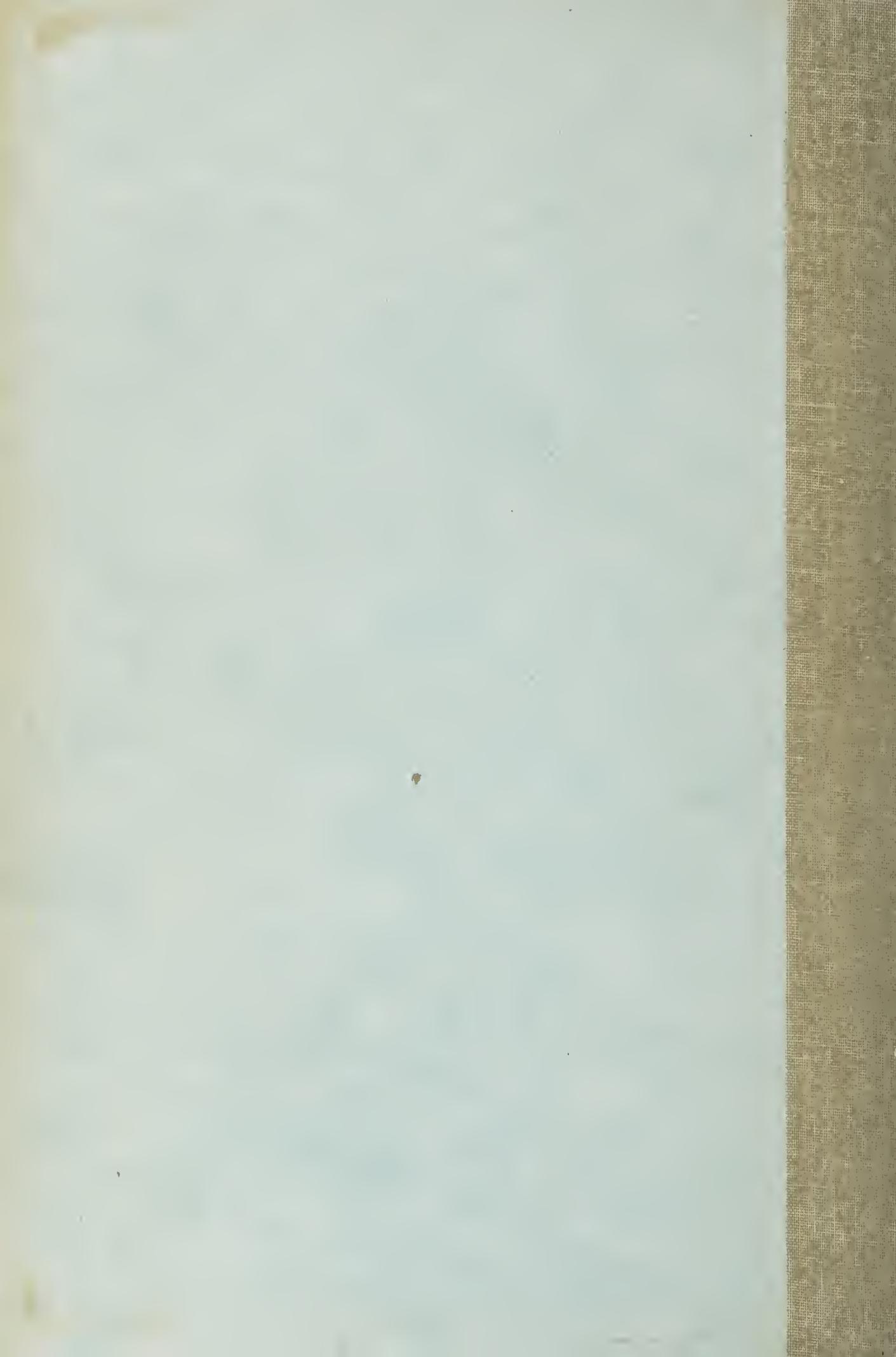


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SIR CHARLES BAGOT:  
AN INCIDENT IN CANADIAN PARLIA-  
MENTARY HISTORY

BY

J. L. MORISON.

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## SIR CHARLES BAGOT: AN INCIDENT IN CANADIAN PARLIAMENTARY HISTORY.

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THERE are many characters and incidents in history crushed out of existence between the upper and nether millstones of the heroic and of the philosophic method; for, unlike literary criticism, history knows of no really complimentary use of the word "minor"—as when we speak of a notable *minor* poet. Yet, more particularly in politics, such minor actors have had their share, and it must be my thesis that an inconspicuous governor, in a forgotten crisis, in a provincial parliament, did no mean work in the evolution of British colonial self-government. The whole episode lasted hardly a year—from the beginning of 1842 until March 29th, 1843, when Sir Charles Bagot, the hero of the piece, wrote from what was to prove his death-chamber: "The new governor-general is at this moment arrived in the town. I am to see him at 4 o'clock."<sup>1</sup> Exaggeration is easy; yet one is hardly wrong in ranking Bagot along with Durham, Sydenham and Elgin, as one of the four nineteenth century Englishmen who best served Canada in politics before Confederation.

With Bagot's earlier work it is hardly my office to deal. He was a man of the Regency, and of the period of Canning. Since 1814, not because of any transcendent parts, but because he was one of "the set," he occupied positions, of varying, but never of mean importance, in the diplomatic world. Apart from special missions, he had been ambassador at Washington, St. Petersburg and The Hague. In America he had known how

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<sup>1</sup>Bagot Correspondence contained in the Canadian Archives at Ottawa: Bagot to Stanley, March 29th, 1843.

to conceal his lack of sympathy with American methods so well, that Rush himself could allude to "the system of conciliation"<sup>2</sup> which he had inaugurated; to the end, his American friends remembered him with a certain affection, and he set up for himself a diplomatic monument more lasting than those iron arches which conquerors erect, in the Rush-Bagot treaty, which guaranteed to the great lakes their neutralization. In Europe, his work naturally lacked the note of obvious success; for these were the days when George Canning absorbed into himself the energy and glory of British diplomacy, and ambassadors lay (or is it lied?) abroad to preserve an appearance of conventionality, certainly lacking in the views of the great minister. It is part of the whimsey which we call imperial history that Canning, for no obvious reason except his intimacy with the man, invited Bagot to be governor-general in India, and withdrew the invitation for the very obvious reason that another member of the Bagot family had voted against him on a vital division.

In the very charming correspondence which forms the main part of Colonel Bagot's two volumes, Charles Bagot stands out as an old-fashioned, worldly, cultured, delightful, and unbusinesslike diplomatist, worthy perhaps of a prominent and kindly portraiture by Thackeray; for he dwelt in Vanity Fair, and possessed most of its pleasing ways. Apart from his friendships, his letters, and the actual results of his American embassy, he might have passed through life, deserving nothing more than some few references in the memoirs of the Regency and the early Victorian era. But an ironic fate took this amiable and minor figure, placed him in an actual situation, and, since fate found him ironically equal to herself, established him as one of the foremost figures in the development of Canadian Parliamentary life. And so we come to Canada.

Without reverting to the Rebellion, it is necessary to remember where Sydenham had left the work of governing Canada. He had come to complete the union of the Canadas; to introduce a new era of self-government; to put public works on a new basis, by persuading Britain to give some financial assistance; to set in order the whole establishment, religious, politi-

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<sup>2</sup>Bagot, *George Canning and His Friends*. Vol. II, 94.

cal, and social, which the Rebellion, and the events before the Rebellion, had wrecked; and in material matters he had seen his plans succeed before his untimely death in September, 1841. But there were elements which lay beyond his influence, subtle and far-reaching as that was; and his theories had proved hardly as successful as his practice. These furnished the difficulties which were to ruin or establish Bagot's reputation as the successor of Sydenham.

The first problems lay in the constitutional theory accepted by both Whigs and Tories in England, and consented to, at the outset, by the new governor. The world is just a little weary of talk about Responsible Government; yet, as the Bagot episode depends upon that term for its significance, one must be permitted a brief statement of the position, as held between 1840 and 1847. Lord John Russell's instructions to Lord Sydenham give it succinctly: "The importance of maintaining the utmost possible harmony between the policy of the legislature, and of the executive government admits of no question, and it will, of course, be your anxious endeavour to call to your councils, and to employ in the public service, those persons who by their position and character have obtained the general confidence and esteem of the inhabitants of the province." Yet, since the colony was subordinate to the Empire and its legislature to the Imperial Parliament, since its will was departmental and provincial, it must not possess such a control of the executive "as would enable it virtually to supersede that legitimate action of the Royal Prerogative, guided by national will, upon which the connection between the colony and the mother country must mainly depend."<sup>1</sup> Never had text an abler expositor than these instructions found in Sydenham. He defined the limits of local independence; he erected in his own position as governor a practical theory of colonial government, which he defended, and, until near the end, successfully defended, against all comers; and by the cunning formation of a "government of all the Canadian talents"—supported, whispered his enemies, by not a little influence to give it no harsher name—he contrived to establish a temporary equilibrium between Imperial supremacy and colonial autonomy. But, for reasons

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<sup>1</sup>Instructions to C. Poulett Thomson, 7th Sept., 1839.

to be analysed later, the Sydenham system had shown signs of collapse even before its creator died, and his one great parliamentary session had seen his ministry accept, with minor changes, resolutions which claimed for Canada almost the full powers of the British Parliament, and which, if Lord John Russell were correct, would lead, at no distant date, to the dissolution of the Empire.

Closely connected with this first difficulty—indeed a chief constituent factor in it—was the second, the condition of politics in Canada. The whole party system was in a tangle which might have justified any restricting theory, if theories can ever really be justified in politics. There were two sets of political issues, constitutional and local. The local issues connected themselves with petty jobs, and rather nauseous corruption—the inheritance from days before municipal government, and when Parliament performed the work of town, and parish, and county councils. The constitutional questions embraced the whole extent of the British constitution, and Tories and Radicals fought on their little provincial stages the battles of Pym, and Hampton, and Cromwell, and Charles I. It had been Sydenham's work to teach his parliament the limits and rules of parliamentary government; and he and his successors might be pardoned for remaining a little sceptical as to the success of the lesson. Beneath the shams of British party names, Family Compact men and Radicals fought out their trifling disputes, and expressed their merely personal passions. In short, Canadian politics had yet to discover the place within them of party, and, it might be, to lay aside, for a more developed stage in the game, the rules and practices, which had cost Britain two centuries of hard experience, and which could not have been learned in less.

Canadian leaders of the various sections, misunderstanding the limits of party operations, were equally to seek with regard to the connection between executive and legislature. Two positions seemed to stand out in clear contradistinction. Robert Baldwin, as leader of the British Reformers, had given practical expression to one extreme, when he had attempted to break up Sydenham's cabinet in June, 1841, claiming that he and his friends “represented the political views of the vast majority of the people of the province,” that the cabinet should

represent those views, and that dissentients must go.<sup>1</sup> The Family Compact represented the other extreme, feeling, to use the language of one of the party, "convinced of the incompatibility (of Responsible Government) to our position as a colony, particularly in a country where almost universal suffrage prevails, where the great mass of the people are uneducated and where there is but little of that salutary influence, which hereditary rank and great wealth exercise in Great Britain."<sup>2</sup> But clearly defined dilemmas are always simpler than the facts they claim to define. On the one hand, the Canadian politicians, whether Tories or Reformers, were not yet learned sufficiently in the science of Cabinet government, with its compromises and willingness to spare the minority; they could give too few guarantees to British statesmen, that they would respect imperial conventions; and, after all, they were trying to play the great party game, with very poor pretensions to a sense of party responsibility. On the other hand, the old Tories allowed nothing for the possibilities of political education, they scorned democracy in a land where nothing else in politics had a stable political future, and their arguments had an unfortunate way of proving all men sinners, and incapable sinners, but themselves. The country naturally distrusted logicians whose conclusions landed them in the sole possession of emoluments and place. By a curious contradiction, the men who objected to the operation of responsible, which ordinarily means party, government, still claimed that the ministry should be composed of a single party, their own. Bagot, as we shall see, was to provide an opportunist's solution to the difficulty, by taking from each party those fit to rule, by exercising a gentle controlling influence, and by allowing the force of public opinion to dictate by degrees his councillors to him—additions and rejections happening gradually and by stages, until an approximation to unity was at last achieved.

The last difficulty was the greatest, the racial question raised by the French Canadians. And here Bagot may speak for himself, for among his many able despatches none bears so plainly on it the stamp of statesmanship as does that to Stanley

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<sup>1</sup>Baldwin to Sydenham, June 12th, 1841.

<sup>2</sup>Bagot Correspondence: Cartwright to Bagot, May 16th, 1842.

of September 26th, 1842, and the substance of his opening paragraphs has, as its keynote, French Canada. "On Lord Sydenham's arrival, he found the Lower Province deprived of a constitution, the legislative functions of the government being administered by a special council, consisting of a small number of members nominated by the Crown. A large portion of the people, at least those of French origin, prostrate under the effects of the Rebellion, overawed by the power of Great Britain, and excluded from all share in the government, had resigned themselves to a sullen and reluctant submission, or to a perverse but passive resistance to the government. This temper was not improved by the passing of the Act of Union. In this measure, heedless of the generosity of the Imperial government, in overlooking their recent disaffection, and giving them a free and popular constitution . . . they apprehended a new instrument of subjection, and accordingly prepared to resist it. Lord Sydenham found them in this disposition, and despairing, from its early manifestations, of the possibility of overcoming or appeasing it, before the period at which it would be necessary to put in force the Act of Union, he determined upon evincing his indifference to it, and upon taking steps to carry out his views in spite of the opposition of the French party. . . . They have from that time until my arrival uniformly declared and evinced their hostility to the Union . . . and have maintained a consistent, united, and uncompromising opposition to the government which was concerned in carrying it into execution. I regret to add that a strong personal animosity to Lord Sydenham . . . has greatly tended to increase this feeling."<sup>1</sup> It was indeed an abnormal form of the national and racial question. A proud, self-conscious, and defeated people had once again been defeated. On the morrow of their defeat, they found themselves with limited but real powers in government. Their party, over twenty in number, was the most compact in the House of Assembly, and had the Lower Province, outside the commercial population of Quebec and Montreal, solidly behind them. In LaFontaine, Viger, Morin, and others, it had leaders both skilful and fully trusted. Yet the party of the British supremacy could quote Durham and

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<sup>1</sup>Bagot to Stanley, Sept. 26th, 1842.

Sydenham as supporters of a plan for the absorption of French Canada in the British element; and the same party could quote with telling effect the past misdeeds, or at least the old suspicions, connected with the names of the French leaders. Misunderstood, and yet half excusably misunderstood; self-governing, and yet deprived of the legitimate consequences and fruits of self-government; without places or honours, and yet coherent, passionately French, and competently led, the French party stood across the path of Canadian peace, menacing, but with a racial, not a party threat.

This was the little world into which an elderly, valetudinarian, aristocratic diplomatist made entry at the beginning of 1842. They speak of the luck of the British Empire, and never was that luck more apparent than in this instance. When Peel's colonial minister was called on to show reason why Sir Charles Bagot should be selected, it was to his past services in American diplomacy that Stanley pointed. Relations with the United States do not concern us here, but it may be remembered that the situation which produced the Ashburton Treaty seemed at times about to end in strife; and to the mind of Peel's government, Bagot might exercise now, as once before, a conciliatory influence on the government of the United States. But Bagot's work and services were to be connected with domestic, not international, diplomacy.

Three factors must be carefully studied in the year of political turmoil which followed—the Imperial government, the Canadian political community, and the new governor-general. During this and the following governorship, the predominant influence at the Colonial Office was Lord Stanley, almost the most brilliant of the younger statesmen of the day. No doubt Peel's judicial and scientific mind controlled those of his subordinates; but even Peel found it hard to check the brilliant individualism of his colonial secretary; and this most interesting of all the great failures in English politics (for who ever thinks of Derby as the maturer expression of Stanley?) exercised an influence in Canadian politics, such as not even Lord John Russell tried to do. Judged from his colonial letters and despatches, Stanley seems to have found it very hard to understand that there could be another side to any question on which he had made up his mind. His party had consented to a

modification of the old oligarchic rule in Canada; but, as was its wont, it turned the new position, as defined by Russell, into the next last ditch for the Tory party to defend. His instructions to Bagot<sup>1</sup> have an amiable rationality about them. Bagot was to "know no distinctions of national origin or religious creed," and was "to consult, in his legislative capacity, the happiness, and (so far as might be consistent with his duty to his Sovereign, and his respect to Her Majesty's constitutional advisers) the wishes of the mass of the community." It said something for the churchman who changed party rather than consent to weaken his Church, that he realized "that the habits and opinions of the people of Canada are, in the main, averse from the absolute predominance of any single church."<sup>2</sup> But the theory inspiring the instructions was one which denied any but the most partial independence and cabinet responsibility to the colonists. To him, the old fragments of Family Compact Toryism still represented the best guarantee for the British connexion. "Although I am far from wishing to re-establish the old "Family Compact" of Upper Canada, if you come into difficulties that is the class of men to fall back upon, rather than the ultra-liberal party."<sup>3</sup> Confidence in political adventurers, and the disaffected French seemed to him perilously like madness. But in addition to a partizan attitude towards the political divisions, Stanley held stiffly to every constitutional expedient which asserted the supremacy of the Imperial government. The Union had, by fixing a Civil List, taken the power of the purse, within certain limits, from Canadian hands, and this Stanley regarded as quite essential to the maintenance of British authority."<sup>4</sup> In fact, any discussion on the subject seemed to him the "reopening of a chapter which has already led to such serious consequences, and in the prosecution of which I contemplate seriously the prospect of the dismemberment of the Empire."<sup>5</sup> There are politicians to whom the vision of a disrupted Empire spells the end of useful thought;

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<sup>1</sup>Stanley to Bagot, October 8th, 1841.

<sup>2</sup>Ibid.

<sup>3</sup>Bagot Correspondence: Stanley to Bagot, May 17th, 1842.

<sup>4</sup>Stanley to Bagot, June 3rd, 1842.

<sup>5</sup>Ibid.

and even Stanley found it difficult to evade the consequences of his night-mare. Holding views so resolute, he could not, like Russell, trust his representative on the spot; and when, in complicated and changing situations, Downing Street dictates to its antipodes, the end is hardly peace. "I very much doubt," wrote Murdoch, Sydenham's former secretary, and a shrewd critic, "how far Lord Stanley is really alive to the true state of Canada, and to the necessity of governing through the assembly."<sup>1</sup> But Lord Stanley was not of that opinion, nor inclined to stay his hand.

Local influences provide the second factor in the situation. Briefly stated, the Canadian political community was demanding a change, and that change involved both responsible government, and recognition of the French. Sydenham had exhibited the most wonderful skill in working an alien system of government, and he had found himself on the brink of failure. His Council "might be said to represent the Reform or popular party of Upper Canada, and the moderate Conservatives of both provinces, to the exclusion of the French and the ultra-conservatives of both provinces";<sup>2</sup> but the compromise represented less a popular demand for moderation, than Sydenham's own individual idea of what a Canadian Council should be. There had been uneasiness in adjusting the opinions of individual members; there was a steady decline in the willingness of the Assembly, and the country, to support them; and a determined constitutional opposition found additional strength through the support of the French party, whom the governor had alienated racially as well as politically. In a sense, there was no imminent danger, as there had been in 1837; for Sydenham's sound administration had given the country peace and prosperity. English money and immigrants were flowing in; the woods were ringing with the axes of settlers too busy in clearing the ground to trouble much with talking and politics; transit was becoming simpler; civilization was increasing; and, thanks to Ashburton, the war-cloud to the south had vanished over the horizon. Yet the politicians held the central position—all else depended on them; and Bagot's troubles and

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<sup>1</sup>Bagot Correspondence: Murdoch to Bagot, Oct. 18th, 1842.

<sup>2</sup>Bagot to Stanley, September 26th, 1842.

the crisis for Canada would arrive, in the first place when certain positions in the Executive Council came to be filled, and then, and with infinitely greater peril, when the Legislative Assembly met. It is usually assumed that public opinion was seriously divided on the question of the true policy, but only through an over-estimate of the forces of reaction. The Family Compact men had fallen on evil days. Strachan with his Church party, and Macnab with his "tail" of Tory irreconcilables had really very little substantial backing; and honest Tory gentlemen, like J. S. Cartwright of Kingston, were unlikely to attract the crowd when they openly set aristocratic oligarchy above democracy as an instrument of government.

Canadian popular opinion was really wonderfully steady and even consistent; and that opinion went directly contrary to the views of Stanley and his supporters. Garrison had represented the moderate reforming party in Sydenham's ministry; and for Garrison, not only was responsible government, veiled or covert, an essential, but French nationalism must also receive concessions.

Equally moderate, but conservative in his moderation, was W. H. Draper, Sydenham's Attorney-General West; and while Draper's views tended to oscillate now to this, now to that side, their general direction was clear. He felt that the ideal condition was one of union between the parties of Western Canada, which would "render the position of the government safer in its dealings with the French Canadians."<sup>2</sup> But no such union was possible, and Draper with that honest opportunism which best expressed his mind and capacity, assured Bagot that action in the very teeth of his Tory instructions was the only possible course. "One thing I do not doubt at all," he wrote in July, 1842, "and that is that, with the present House of Assembly, you cannot get on without the French, while it is necessary for me at the same time to declare frankly that I cannot sit at the council-board with Mr. Baldwin."<sup>3</sup> Here is a new note in Canadian conservatism, the note of common sense, compromise, and patriotism not British only but Canadian—for Macdonald had forerunners, and Draper was the chief of these.

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<sup>2</sup>Bagot Correspondence: Draper to Bagot, May 18th, 1842.

<sup>3</sup>Ibid: Draper to Bagot, July 16th, 1842.

After the politicians comes the bureaucrat, Murdoch, ablest of Canadian private secretaries, Sydenham's right-hand man, and, to my mind, the justest critic of the Canadian politics of his time. I have already quoted his criticism of Stanley. He was as confident, but in approval, when he spoke of what Bagot had done and should do. "No half measures," he said, "can now be safely resorted to. After the Rebellion, the government had the option either of crushing the French and Anglifying the province, or of pardoning them and making them friends. *And as the later policy was adopted, it must be carried out to its legitimate consequences.*"<sup>4</sup>

The situation in Canada in the spring and summer of 1842 stood thus. A governor, entirely new to the work of governing, and to the province which had fallen to his lot, faced a curious dilemma. A wild and complicated political tangle lay before him; and two sets of advisers tendered him contrary advice. One party, headed by the British minister responsible for the colonies and supported by all the British Cabinet, by English tradition, and the party of local respectability, bade him restrict, exclude, govern for but not by the people, French and English under his charge. The other, without united voice, hesitating, irresponsible, and at times violent and repulsive, bade him trust, include, dare; and warned him that only heroic measures could meet the claims of nationality and constitutional liberty.

The entire career of Bagot occupies only a year of Canadian history, and the most important phase is concentrated into the few months before and after the assembling of the Second Union Parliament, September 8th, 1842. It was, however, a year of experiment subordinate in importance to very few equal periods in the political life of the Dominion. There are, of course, lighter and kindlier phases of the Bagot regime, shown especially in his interest in the promotion of education, but the stern realities of Canadian politics left few leisure moments for the lighter life. Certain grim considerations dominated the political future. The Union, based on the Imperial interpretation of Canadian autonomy, in detail as well as in general, had to be protected; the vacant places in the executive

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<sup>4</sup>Bagot Correspondence: Murdoch to Bagot, Sept. 3rd, 1842.

council had to be filled as nearly as possible in harmony with the happiness and the wishes of the community; and whatever government he might construct, had to face the test of criticism from an Assembly, the views of which no one dare anticipate. In his attempt to answer these various problems, Bagot was probably at his worst in finance. He had not the requisite business training, and could not begin to compare with Sydenham for boldness and precision. In the correspondence over the mode in which the province should dispose of the British loan of £1,500,000, secured by Sydenham, Stanley's ideas had a clearness and force which Bagot's lacked, and in the one really unfortunate episode in the year, his absence of financial skill drew on the governor's head the remonstrances of both Stanley and the Treasury authorities. To escape financial difficulties in Canada, he had anticipated the loan by drawing on British funds for £100,000; and the Treasury did not spare him. "He ought," wrote the Chancellor of the Exchequer, "to have considered those (difficulties) which must arise here from the presentation of large drafts at the Treasury, for which Parliament<sup>\*</sup> had made no provision; and for which, as Parliament was not sitting, no regular provision could be made. The situation to which the Treasury is reduced is this: either to protest the bills for want of funds, or to accept the bills, and find within thirty days the means of paying them."<sup>1</sup> Stanley's tone in these money matters is that of an anxious parent, willing to trust his young hopeful with his budget, but rather anxious than hopeful.

In politics, the same note of distrust sounds generally through the despatches, but with no justification, and Stanley never learned how completely the governor for whom he trembled was his master in the art of governing a would-be autonomous colony. Stanley's first principle was the maintenance of the Union settlement; and more especially of the Civil List by which Britain and her representative in Canada was to be saved from complete financial dependence on Canadian parliamentary opinion. As early as March, Bagot had begun to feel the weakness of the British position. "I know well by what a slender thread the adhesion of the colony will hang whenever

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<sup>1</sup>Goulburn to Stanley, Sept. 16th, 1842.

we consent to leave the matter entirely in its own hands. . . . But the present supply is not sufficient for its purposes. We must always be dependent on the Legislature for provision to meet its excess; and I cannot but think that the sooner the Legislature succeeds, if they are to succeed, in carrying the point, the more generous they may possibly be in the use of their victory.”<sup>2</sup> Bagot was already defining the policy which was to be peculiarly his own. He had a singularly clear eye for facts, especially uncomfortable facts; and, being a man of the world, that is an opportunist, he saw that in politics it was usually preferable to make terms with the other side. Clear-cut principles and oppositions satisfy the instincts of the political metaphysician, at the expense of the comfort alike of governed and governors. Stanley, on the other hand, with the cabinet minister’s principled omniscience, and eloquent certainty, had nothing but regrets and disappointments in reserve for such suggestions. A measure had been granted, generously, he thought, on the part of Britain, and statesmanship lay in resolute defence of that measure. And, since there always seems to be in such imperialists a sense of political pathos — *the lacrymae rerum politicarum* — he hinted at disruptive possibilities. “I am very far from underrating the value to Great Britain of her extensive and rapidly improving North American possessions; but I cannot conceal from myself the fact that they are maintained to her at no light cost; and at no trifling risk. To all this she willingly submits, so long as the bonds of union between herself and her colonies are strengthened by mutual harmony, good will and confidence; and it would be indeed painful to me to contemplate the possibility that embarrassments arising from uncalled for and unfounded jealousies on the part of Canada, might lead the people of England to entertain a doubt how far the balance of advantages preponderated in favour of the continuance of the present relation.”<sup>3</sup> Happily Empire founds itself on a basis deeper than any ever planned even in the Colonial Office. The Civil List raised the fundamental question, but it was a simple issue and it lay still far in the future. But the constitution of the ministry, and its

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<sup>2</sup>Bagot Correspondence: Bagot to Stanley, March 26th, 1842.

<sup>3</sup>Stanley to Bagot, 27th May, 1842.

relation to the coming parliament, could be neither evaded nor delayed.

Bagot's instructions—not, I fancy, with the conscious good will of Lord Stanley—gave him a certain scope, for he was permitted to avail himself of the advice and services of the ablest men, without reference to the distinction of local party. In so availing himself, Bagot had to calculate chiefly on the chances of finding a majority in the Lower House—happily he could postpone their meeting till September. Of the probable tone of that assembly the estimates varied, but Murdoch, who knew the situation as well as any man, calculated that while the government party would number thirty, the French, with their British Radical friends, would be thirty-six strong, the old conservatives eight, and some ten or so would "wait on providence or rather on patronage."<sup>1</sup> In Sydenham's last days, the government majority which he had so subtly, and by means so machiavellian, got together had vanished. Reformers, not all of them so scrupulous as Baldwin, were not unwilling to ruin a government which kept from them their perfect triumph. Sir Allan MacNab with his old die-hards, fulminating against all enemies of the connection, was still willing to make an unholy alliance with the French, if only he could checkmate a governor who did not seem to appreciate his past services to Britain. And the French themselves, alienated and insulted by Sydenham, sat gloomily alone, restless over the Union, indignant at their recent treatment, seemingly on the threshold of some fresh racial conflict.<sup>2</sup> Everything was uncertain, except the coming government defeat.

At the very outset, Bagot had the question thrust on him, for his council on his arrival advised the admission of the French Canadians to power.<sup>3</sup> He refused, for Stanley had a very clearly defined position on the subject. The Colonial Secretary talked much about forgetting divisions and parties, but

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<sup>1</sup>Bagot Correspondence: Stanley to Bagot, recounting an interview with Murdoch; Sept. 1st, 1842.

<sup>2</sup>See Bagot's admirable analyses of their condition in his public and confidential despatches of Sept. 26th, 1842.

<sup>3</sup>Bagot to Stanley, confidential: Sept. 26th.

his own mind was distinctly partisan. He never could forget that the French leaders had all of them—Lafontaine, Viger, Girouard—been, in some fashion or other, involved in the troubles of 1837. To him, there was a gloomy, rebellious, French Canadian party, which no responsible British statesman could afford to recognize. They told him that it was useless to attempt to detach individuals—*les Vendus* their compatriots called them—from the party; he only answered that he would like to multiply such *Vendus*. He hoped for a day when the Anglicizing of the Lower Province should have been completed; and he would break all forces tending otherwise. He was conscious of a repulsion equally strong, in his feelings towards Baldwin, and the Responsible government men. Whether it came by French racial hate, or Upper Canada republicanism (so he thought of it) the ruin of the Empire would follow on concession to agitation. In his heart, he trusted only to the old Tories, and not all his coldness towards MacNab's interested advances could affect the feeling that only one party cared for Britain—the quondam Family Compact men. When he bade Bagot be eclectic in his ministry-making, he was unconsciously limiting Bagot's choice to a very limited circle, all of them most unmistakably unpleasing to the populace, whose wishes he professed to be willing to consult. He claimed to be a man of principle—mistaking the clearness of doctrinaire ignorance, for the certainty of honest knowledge.

Happily the governor of Canada was not in this sense a principled statesman. He observed, took counsel, and began to shape his own policy. He filled two vacant places—one with the most brilliant of Reforming financiers, Francis Hincks, whose merits he saw at once; the other, after a priggish but gentlemanly refusal from Cartwright, with Sherwood, a sound but comparatively compromising Upper Canada Conservative. In an illuminating letter to Stanley, at the beginning of summer, he outlined his policy. In answer to a hint that the combination of white and black does not necessarily produce grey, he said: “My hope is that, circumstanced as I am, I possibly may be able to do this [take from all sides the best and fittest men for the public service]. . . . The attempt to produce such a grey, whether it succeed or not, must, I think, after all that has passed, and at this particular crisis in which I find my-

self here, be the safest line.”<sup>1</sup> Stanley limited his choice of men, and when the crisis should come, was prepared to risk a defeat and an alien ministry, on the chance of a loyalist uprising to defend the British connexion. Baldwin dreamed of a consistently radical cabinet. MacNab, with his eyes shut to the consequences, seems to have considered a leap in the dark —a Conservative French Canadian coalition. Bagot, as opportunist as the Tories, but opportunist for the sake of peace, administration, and some kind of constitutional progress, laid aside lofty ideals, and said, as his most faithful advisers also said, that the future lay with *judicious selection*, no party being barred except for present folly. It is difficult to name the influences which operated on Bagot’s susceptible imagination. He corresponded largely and usefully with Draper, the soundest of his conservative advisers. His own innate courtesy, leading him to end the social ostracism of the French, taught him their good qualities. Being quick withal, and an observer, his political seven senses began almost unconsciously to force a new programme for him. Before August he had conciliated moderate reforming opinion through Hincks; he had proved to the French by legal appointments which met with a stiff and forced acquiescence in Stanley, that at least he was not their enemy. He had begun to question the certainty of Stanley’s wisdom on the Civil List, and various other topics. Then, between July 28th and September 26th, the date of two sets of despatches, which, if despatches ever deserve the term, must be called works of genius, he completed his plan, brought it to the test of practice, and challenged the home government to acquiesce or show their displeasure by recall. With his ministry constituted as it was in July, he had to face the certainty of a vote of no confidence as soon as parliament met. Were he to do nothing, some unholy alliance would fling his government down, and establish, whether he and Stanley willed it or not, responsible government in its most obnoxious form. He would lose all hold over the French, and, since they had warned him beforehand, he knew that his present cabinet, pledged in a sense to constitutionalism by the resolutions of September,

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<sup>1</sup>Bagot Correspondence: Bagot to Stanley, June 12th, 1842.

1841, would resign in a body.<sup>1</sup> His choice of counsellors was very limited. "Out of the 84 members of the House of Assembly, not above 30, as far as I can judge, are at all qualified for office, by the common advantages of intelligence and education, and of these, ten at least are not in a position to accept it."<sup>2</sup> He could afford neither to ignore classes of possible ministers, nor yet to lose the moderate men under him at the time. He found offers to individual Frenchmen useless, for he did not gain the party, and he ruined the men whom he honoured. As the eighth of September drew near, the excitement rose—it was a crisis with many possibilities, both for England and for Canada.

As certainly as Stanley, with all the wisdom of Peel's great cabinet and Downing Street behind him was wrong, and fatally so, Bagot's actions on the tenth, eleventh, twelfth, thirteenth and fourteenth of September were accurate and heroically so. There is an interesting correspondence preserved between Stanley and Peel, just before the battle closed, in which Stanley seeks to get his great leader to take his view, and in which even the genius of Peel proved how incompetent it is to settle a problem of parliamentary government, three thousand miles from the seat of government. For the wisdom of his letter<sup>3</sup> lay, not in its suggestions, which were useless to Bagot, but in its hint "that much must be left to the judgment and discretion of those who have to act at a great distance from the supreme authority."

Stanley, from first to last, was for allowing Bagot to face defeat, although he always thought it possible that stubborn resistance to what he counted treason would rally a secure majority to Bagot, Britain, and the Crown. Time and again, after assuring Bagot that he and the ministry acquiesced, which, to do them justice, they did like men, he would hark back to the idea of allowing facts to demonstrate the helplessness of the government struggle before definitive surrender. Long before Parliament met, the situation had been discussed in all its bearings; and the only problem which existed con-

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<sup>1</sup>Bagot to Stanley, Sept. 26th, 1842—confidential.

<sup>2</sup>Bagot to Stanley, Sept. 26th, 1842—confidential.

<sup>3</sup>Bagot Correspondence: Peel to Stanley, Aug. 28th, 1842.

cerned which out of the three or four foreshadowed catastrophes would end the existence of the government. The ministers themselves had their negative programme ready; for, having consented to the Responsible government resolutions of September, 1841, they forewarned Bagot "that if they were left in a minority, or in a very small majority, they should feel themselves compelled to resign," and they added that if Bagot did not "accept their recommendation of admitting the French Canadians, they would insist upon his accepting their resignation."<sup>1</sup> After the members had assembled, events moved very rapidly. On the very day of the opening, Neilson brought forward the exciting question of Amnesty; and the air was filled with rumours and schemes, of which the most ominous for government was the project of coalition between Conservatives and French Canadians. The time had come for action—if anything could really be done. To understand the boldness of Bagot's tactics,<sup>2</sup> one has to remember that they went "in the teeth of an almost universal feeling at home . . . certainly in opposition to Lord Durham's recorded sentiments, and as certainly to Lord Sydenham's avowed practice"—to say nothing of Stanley's own wishes. Lafontaine was definitively approached on the tenth, and, seemingly, Bagot was not quite prepared for the greatness of his claims—four places in the Council, with the admission of Mr. Baldwin into it."<sup>3</sup> But he had no choice, for on the 12th he received a plain statement from his cabinet that, if he failed, they were not prepared to carry on the government.<sup>4</sup> To his dismay, the surrender, if one may so term it, which he signed next day, was not accepted since Baldwin could not countenance the pensioning of the compulsorily retired ministers, Ogden and Davidson, and although MacNab was at hand with the offer of 16 Conservative stalwarts, the plan was useless, and, in view of MacNab's general conduct at this time, irritating. When Bagot wrote that night to Stanley, it was as a despairing man, for the attack had begun at 3 o'clock, Baldwin leading off with an address, as

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<sup>1</sup>Bagot to Stanley—confidential: Sept. 26th, 1842.

<sup>2</sup>Bagot Correspondence: Bagot to Stanley, July 28th, 1842.

<sup>3</sup>Ibid.

<sup>4</sup>Bagot Correspondence: Bagot to Stanley, Sept. 13th, 1842.

usual pledging the House to Responsible government, and there was every chance of a victory for the opposition. At this point Bagot took the strange and daring plan of allowing Draper to read his letter to Lafontaine in the House, that the Lower Canadians might "learn how abundantly large an offer their leaders have rejected, and the honest spirit in which that offer was made."<sup>5</sup> His unconventionality won the day. Successive adjournments staved off the debate on the address; and by the sixteenth, terms had been settled. Lafontaine, Small, Aylwyn, Baldwin, and Girouard if he cared to take office, were to enter, Draper, Davidson, Ogden, and Sherwood passing out. Unfortunately, since neither Ogden nor Sherwood happened to be present, Bagot had to accept their resignations, on his own initiative, and not even that dexterous correspondent could quite disguise the awkwardness of his position when he wrote to tell both men that they had ceased to be his ministers.<sup>6</sup> So ended the crisis with a triumphant surrender. The address was carried by fifty-five votes to five, the malcontents being MacNab, foiled once more in his ambitions; Moffatt and Cartwright, representing the inflexible Toryism; Neilson, whose position as a recognized opponent of the Union tied his hands, and Johnstone, a disappointed place man. Peace ruled in the Assembly, and the battle passed to the province, the newspapers, and most ominous of all for the governor, to the cabinet and public in Britain. A storm of abuse, criticism, and regrets broke over Bagot's devoted head. The opposition press called him "a radical, a puppet, an old woman, an apostate, a renegade descendant of old Colonel Bagot who fell at Naseby fighting for his King."<sup>1</sup> MacNab, in the House, led a bitterly personal opposition. At least one cabinet meeting in England was called specially to consider the incident, and for some months Stanley alternated caustic expressions of regret with assurances that he and the government would support their representative. The necessity of the change, he reiterated, had not been fully proven. The French members and Baldwin were doubtful characters. If the worst must be, then Bagot had better impress on the cabinet "their intention of standing by the

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<sup>5</sup>Bagot Correspondence: Bagot to Stanley, Sept. 13th.

<sup>6</sup>Ibid, letters to Sherwood, Sept. 16th, and Ogden, Sept. 19th.

<sup>1</sup>Bagot Correspondence: Bagot to Stanley, Oct. 28th, 1842.

provisions of the Act of Union, including the Civil List, and every other debatable question.”<sup>2</sup> And, fearing lest the citadel itself of restricted popular government should be surrendered, he set forth his theory of government in an elaborate letter which revealed distinct distrust of his correspondent’s power of resistance. “Your position is different from that of the Crown in England. The Crown acts avowedly and exclusively on the advice of its ministers, and has no political opinions of its own. You act in concert with your Executive Council, but the ultimate decision rests with yourself, and you are recognized, not only as having an opinion, but as supreme and irresponsible, except to the Home government, for your acts in your executive capacity. Practically you are (influenced) by the advice you receive, and by motives of prudence, in not running counter to the advice of those who command a majority in the Legislature; but you cannot throw on them the onus of your actions in the same sense that the Crown can in this country.”<sup>3</sup>

As for Bagot, so far as Canada was concerned, he had reason to feel satisfied. With half a dozen hostile combinations possible, he had forestalled them all, and found the Assembly filled with friends, not enemies. He had approached a sullen French nation—and thereafter the French party formed as solid an accession to Canadian political stability, as they had once been dangerous to Imperial peace; and their union with the moderate reformers in government, while it gave them all they asked, created a restraint on possible future nationalistic excesses. He had not, in actual fact, surrendered to any sweeping doctrine of responsible government. There was peace at last; an assembly which passed over thirty acts, which reaffirmed the rights of the royal prerogative; and which separated in the most amiable temper with themselves and their governor. There is, however, a curious contradiction between the surface consequences of the crisis, as described by Bagot, and the necessary results discerned by his political instincts. On the face of it, Bagot’s opportunism had saved Stanley and his party from a crushing defeat and a humiliating surrender to *ultra* views. So far, he had assisted the cause of conservatism.

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<sup>2</sup>Bagot Correspondence: Stanley to Bagot, Nov. 3rd, 1842.

<sup>3</sup>Bagot Correspondence: Stanley to Bagot, Dec. 3rd, 1842.

But the disaster and the humiliation would have come, not from the grant of responsible government, but from the misuse of it which the forced surrender might have involved, and from the false position in which the Imperial government would have stood, towards the men who had challenged imperial authority and won. It is interesting to follow the process by which Bagot came to see all that lay in his action. Yielding to Canadian autonomy, he went on to new surrenders. He had already warned Stanley of Civil List difficulties; to the end he seems to have been considering the advisability of a complete surrender there. When he wrote communicating to the minister the assembly's acknowledgment of royal prerogative in the right of the Crown to name the capital, he pointed out that, prerogative or no prerogative, the possessor of the purse had the final voice. He checked his new minister, Baldwin, for tacking on question-begging constitutional phrases to the legal opinion, but he told Stanley, quite frankly, that, "whether the doctrine of responsible government is openly acknowledged or is only tacitly acquiesced in, *virtually it exists.*"<sup>1</sup> During the remainder of his tenure of office, partly because of his own ill-health, but partly also, I think, from conviction, he gave his ministers the most perfect freedom of action. And, although he did not gain the point, he was willing to make sweeping concessions in answer to the call for an amnesty for the rebels of 1837. He recognized the force of trusting, in a self-governing community, even those who had once striven against the British rule with arms—the final proof in any man that he has come to understand the secrets, at once of Empire and of autonomy. Indeed, Bagot's capacity for yielding to the successive stages of Canadian home rule is the most distinguished feature in his character.

I have chosen to study Bagot in definite and limited relation to a given situation, and to pass verdict on him mainly from the political facts. It is very possible to carry the story on to its physical end, in sickness and death. For the last months of his life were spent in a struggle to overcome extreme bodily sickness in the interest of public duty. Stanley himself, in the name of the Cabinet, expressed his admiration

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<sup>1</sup>Bagot Correspondence: Bagot to Stanley, Oct. 28th, 1842.

for the gallantry of his stand, and he may be regarded as another martyr to duty, and to Canada. But there is something—and it is not dispraise of the man to admit the fact—which forbids the conventional heroic pose, and the sob of pathos at the end. He belonged to a governing class, which, even where it took its duties lightly, played the game; and the rules bade the player to hold on till the end came, leaving no room for self-conscious sacrifice. Besides, Bagot came from the not yet exhausted Eighteenth Century, and had its flippancy, its lightness, its courtesy, and its courage. It was natural for him to keep his epistolary quips and jests going to the end; this sense of humour forbade him to magnify the splendour of his services. He thought he had done right; he defended his work before his masters; he knew that his old friendships had been unaffected by the political turmoil; and if there was a note of strain and earnestness, it was only when he trusted that Stanley would see things in a reasonable light, and when he bade his councillors defend his memory.<sup>2</sup> He would have refused the title of hero, and he would have been right. For he was only a courteous English gentleman, and, being a citizen of the world, a shrewd opportunist; who knew that good manners are often half the game, even in democratic politics, and that, in the whirl and confusion of party government he wins in the end who waits on events, provided he wait in the interests of the people.

The whole incident is an illustration of political contrast; on the one hand, firm conservative imperialism, unbending, unlearning, but impregnably established on principle; on the other, opportunism, yielding and less principled, but willing to be educated by events, observing the phenomena of Canadian self-government, and realizing that where Necessity must have her way, it is well to be an ally of Necessity. Two great opportunists have already received their laurels as founders of the modern Canadian parliamentary system, Elgin and Macdonald. I should like to add as a third Bagot, their forerunner, and, by anticipation, their lieutenant.

J. L. MORISON.

Queen's University.

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<sup>2</sup>Hincks, *Reminiscences of his public life*, p. 89.

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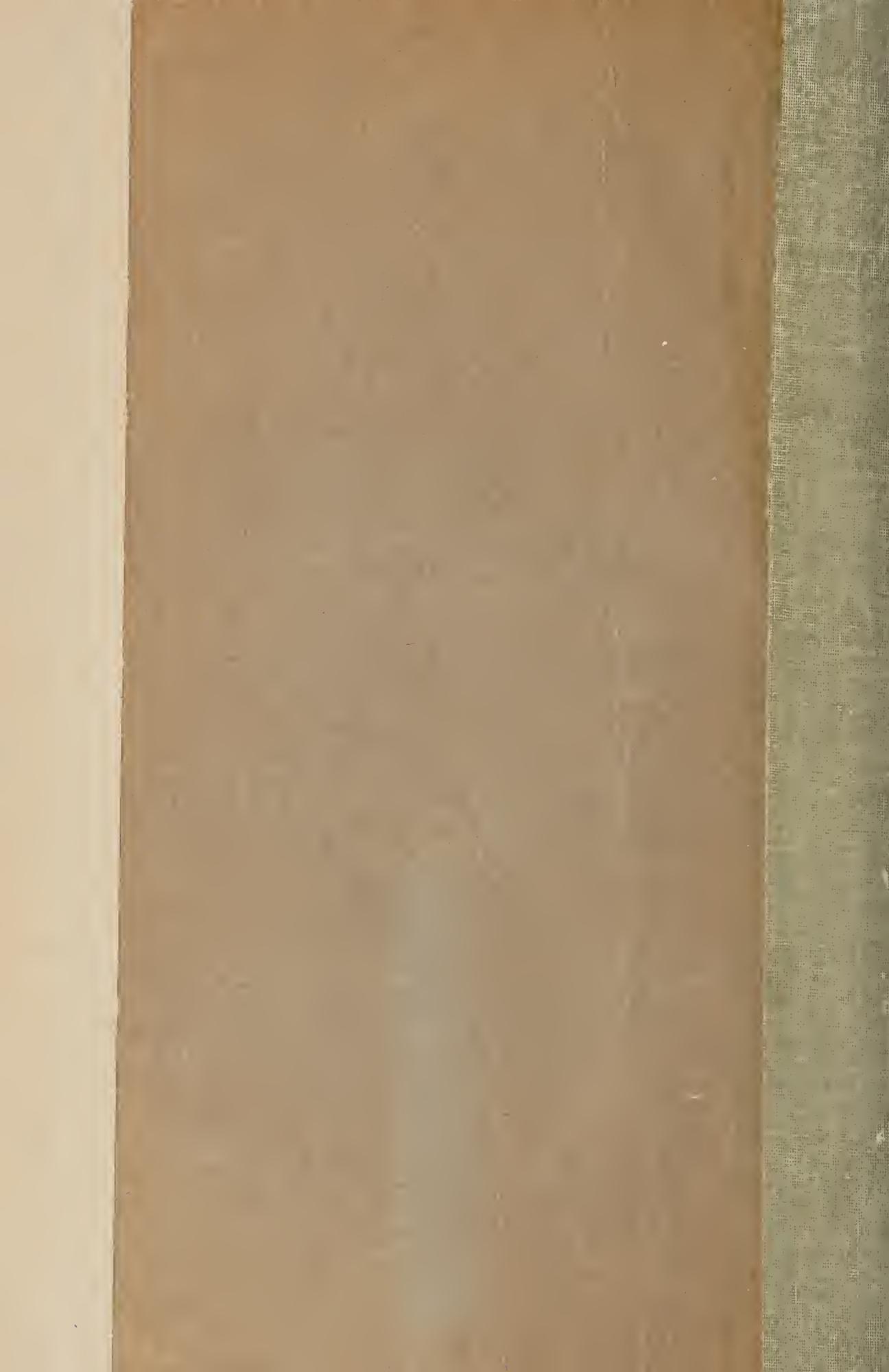
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